



City of Carmel

CARMEL PLAN COMMISSION

February 21, 2006

Minutes

The regularly scheduled meeting of the Carmel Plan Commission convened at 6:00 PM in the Council Chambers of Carmel City Hall on February 21, 2006. The meeting opened with the Pledge of Allegiance.

Members present were Jerry Chomanczuk; Leo Dierckman; Dan Dutcher; Wayne Haney, Kevin Heber, Mark Rattermann, Rick Ripma, Carol Schleif, Steve Stromquist, Madeleine Torres; Susan Westermeier, thereby establishing a quorum.

The Minutes from January 17, 2006 meeting were approved as submitted.

Mike Hollibaugh, Director of the Department of Community Services, distributed copies to the Commission Members of a book titled "Suburban Nation," recommended by the Mayor for reading.

F. **John Molitor, Legal Counsel**, reported that there are a couple of pieces of legislation that

he is following—amendments pending—regarding non-conforming signs and vested rights regarding development plans and subsequent Ordinance changes after the filing. A report will be forthcoming.

G. **Reports, Announcements, & Department Concerns**

Matt Griffin reported that item 1H, Docket No. 05120018 DP/ADLS, Old Meridian Professional Building was at Plan Commission last month but had missed their publication date—that Public Hearing will occur this evening. Also, there are two items that have been continued to March 21, 2006—Docket No. 06010003 Z, Guerrero Property PUD and Docket No. 05050003 Z, Fortune Rezone.

H. **Public Hearings:**

1H. **Docket No. 05120018 DP/ADLS: Old Meridian Professional Building**

The applicant seeks to create a 2 story, 19,526 sq. ft. medical office building on 2.44 acres.

The site is located at 12065 Old Meridian Street and is zoned B6 within the US 31 Overlay.

Filed by Kevin Roberts of DeBoy Land Development for Allen Commercial Group.

Paul Reis, attorney with Drewry, Pitts & Vornehm, 8888 Keystone Crossing, Suite 1200,

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Indianapolis appeared before the Commission representing the Allen Commercial Group. This particular project was presented to the Plan Commission at the meeting in January. Although notice had been given to the adjacent property owners, Public Notice was not placed of record in the newspaper. The ad has since run in the newspaper and the presentation this evening is to respond to any additional public comments that may be received as a result of the public notice in the newspaper.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Department Report, Matt Griffin: This item has already been placed on the Special Studies Committee Agenda for March 7, 2006. The Department has no further comments at this time.

Docket No. 05120018 DP/ADLS, Old Meridian Professional Building, was referred to March 7, 2006 Special Studies Committee Meeting at 6:00 PM.

2H. Docket No: 05120025 Z Gramercy PUD (Mohawk Hills redevelopment)

The applicant seeks to rezone 116 acres from R2/Residential and R4/Residential to PUD/Planned Unit Development for the purpose of creating a mixed use development comprised of townhouse, apartment, retail, and office uses.

The site is located between Carmel Drive, 126th Street, Keystone Avenue, and Auman Drive.

Filed by James Shinaver of Nelson & Frankenberger for Buckingham Properties Inc.

Jim Shinaver, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Also in attendance: David Leazenby, Vice President of Land Development for Buckingham Properties, and Sara Nasuti, Development Manager; Gary Murray, Schneider Engineering, Civic Engineer for this project; Steve Fehribach, A & F Engineering, traffic engineer; and Murray Clark, Baker & Daniels, Counsel for Buckingham Properties.

The proposal before the Commission this evening is a gradual, redevelopment plan for the Mohawk Hills Apartment Complex and Golf Course that were initially developed in the early 1970's. As time has passed, the Carmel central core has changed and evolved and this site would become an in-fill location that could effectively accommodate redevelopment in support of the vision of the City of Carmel for its future.

Aerial photographs were shown depicting the location of the site, 116 acres zoned R-2 and R-4 Residential, west of and adjacent to Keystone Avenue, south of and adjacent to 126th Street, east of and adjacent to Auman Drive and north of Carmel Drive. The site is in close proximity to the Merchants Square retail area that is south of this site, the City Center area, City Hall and the Monon Trail located east of the site, and the Old Town Arts and Design District located northwest of this site.

The proposed Gramercy PUD has been designed and planned to be consistent with Carmel's Comprehensive Master Plan, Urban Design Initiative and other redevelopment efforts in the central core of Carmel such as mid-Town, the City Center, and the Old Meridian corridor. This project is intended to complement these other redevelopment efforts. In essence, this proposal shows a belief

in the commitment of the City's efforts to plan for the future. Buckingham Companies has engaged well-known and well-respected engineers, land planners, and architects to assist in making this vision a reality.

At this time, Buckingham Properties is only seeking to re-classify the current zoning designation of the property. If the PUD is approved, Buckingham would be required to return to the Plan Commission at a later date to obtain ADLS and Development Plan approval for any section that would be redeveloped in the future.

David Leazenby, Vice President of Land Development with Buckingham Companies addressed the Commission and gave a brief history of Mohawk Hills Apartments, Golf Course from its inception to competition with newer projects that offered modern amenities, better services and more products. Most recently, the project has suffered from dis-investment, infrequent maintenance of infrastructure, and deteriorating buildings. The limited access and confusing street network poses further complications for increasing the marketability for the Mohawk complex.

Buckingham's purchase of the Mohawk Apartments and Golf Course in 2004 brought the single largest parcel of land in the City's core into local ownership. Since then, Buckingham has spent approximately \$500,000 in completing some over-due maintenance items, new landscaping, the renovation of a leaking office and the clubhouse, and Buckingham has worked very hard toward stabilizing the property. Although Buckingham has spent the money to take of its investment in the short term, they have also been working toward implementing a master plan for how the property could be re-developed over a period of time. The buildings are becoming old and the property will require extensive work to maintain the quality of living environment that Buckingham tries to provide in all of its properties.

The recent Urban Design Initiative has made reference to the changing demographics of our Country and a lot of evidence of that has been seen in Carmel. For example, there are more townhomes, condos, and mixed-use developments being proposed in recent years. This trend is part of a larger, nationwide shift in life styles and housing preferences. People now have less time and desire low maintenance and want to live closer to amenities and services. Carmel is well positioned to grow with this trend and create new, more walkable neighborhoods for those who want them.

It is clear that Carmel continues to thrive as a very desirable place for new homes, new offices and new retail development. The City of Carmel has done a tremendous job in keeping up with services, providing parks, new trees, and cultural attractions while keeping the quality of life for its residents as one of the highest in the State of Indiana. Gramercy will increase opportunities for walkable streets, nearby services and amenities, meaningful open spaces, and high quality housing.

A video was shown featuring Page Close, partner of Looney, Ricks, Kiss, Architects, Memphis, Tennessee. Mr. Close was instrumental in completing the concept plans for this site and offered a few words about Carmel and Gramercy from his perspective.

The proposal includes a PUD Ordinance and Concept Plan and associated design and development standards. The master plan considers the property's position in the overall context of Carmel. It is a traditional neighborhood development with an urban character—it is walkable, well-balanced

with open spaces, and designed with bicycles and pedestrians in mind. Gramercy includes provisions for a variety of housing types, diversity of uses, and high-quality architecture. The logical and inter-connected street network is intended to be conceptual yet provide some predictability for main routes through the neighborhood. Based on the City Thoroughfare Plan, several connections are shown to neighboring streets as follows: A future connection to Carmel Drive and AAA Way to the south; connection to Auman Drive to the west, and 126th Street to the north. A request has also been filed with the State of Indiana for a right-in/right-out connection to Keystone Avenue that will alleviate a lot of pressure at the intersections of 126th Street/Keystone and Carmel Drive/Keystone.

This request is still under review by INDOT.

Appropriate transitions will add value to the neighborhoods. Existing trees along Keystone Avenue will be maintained as a buffer to the roadway. The light screen of the neighborhood from Keystone will be enough to enhance the new development and provide attractive views from the perimeter. Also, language has been included in the Ordinance designed to make Gramercy sensitive to the existing neighbors. Specifically, any building within 50 feet of the north and west sides will be limited to 40 feet in height. There are other architectural features along the perimeter that are designed with the overall area in mind so that it would be as pleasant and comfortable as possible.

The ordinance also includes provisions for a variety of residential uses, including townhomes, condominiums, apartments, and assisted living. Commercial uses would include office spaces, hotel, shops, restaurant, café, banking, and other retail neighborhood services. Mixed uses are proposed in some of the buildings, whether office over retail or residential over some other form of commercial phase. Opportunities are also provided for live/work units. Parking will be accommodated on streets, alleys, and garages. The streets and public spaces will be designed so that pedestrians' comfort is optimized. Another facet of the plan is the incorporation of a bicycle route through the neighborhood. It is intended that the streets will be designed so as to provide a link to 126th Street and to Carmel Drive. There will be a bike route that will pass through the center of the plaza as well. The petitioner envisions a paved path along 126th Street.

There are a variety of parks proposed within the Gramercy development so that each residence is just a short walk away. Also, a few parks have been placed on the edges of the neighborhood in order to create an opportunity for the neighbors to experience the benefit of additional open space and create better transition. The petitioner has paid careful attention to many details. Although no ADLS approval is being sought at this time, the petitioner wanted to provide the public with some idea of the goals of such items as landscaping, lighting, signage, etc. Special attention has also been paid to the streets and their width and the types of uses along the streets.

A section on Architectural Standards has also been included in the proposed PUD to guide the future development as it returns to the Plan Commission for ADLS review. Also included is a portion on commitment to public art. As the Arts & Design District continues to evolve in Old Town, it is important that other areas of the City can include public art for the enjoyment of everyone in Carmel. To that end, Second Globe Studio has been asked to be a part of the team as Buckingham begins detail design work on the public spaces in Gramercy.

The Redevelopment of the site would also involve the establishment of a "TIF" District. This has

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been discussed with the Carmel Redevelopment Commission for them to consider the project and identification. Buckingham will continue the process with the Redevelopment Commission during the rezoning process. A computer-generated presentation was shown of the proposed Gramercy Park; highlights of the development were pointed out.

In conclusion, the petitioner has had many meetings with the Planning Staff, the Mayor's Office, the City Engineer's Office, and the liaison, Carmel Redevelopment Commission. The petitioner has also met with school officials, many of the neighbors, including board members of two different HOA's, and letters have been sent to all of the residents at Mohawk Hills. The lines of communication will remain open. A website has also been created, Gramercylifestyle.com that provides information on the proposal and also includes a page where questions and/or comments can be submitted to the development team.

The project consists of numerous phases over the next 8 to 12 years and will allow for flexibility and future market conditions. If approved for rezoning to a PUD, the petitioner would envision submitting an ADLS development plan later this year so that construction could begin in the spring of 2007 at the northwest portion of the site and then transition to other areas as the market allows. No major redevelopment of the existing apartments is planned for several years to come—in fact, new leases are being signed, existing leases are being renewed and ads continue inviting people to consider making Mohawk Hills their new home.

Buckingham has worked very hard to prepare a plan that will complement the momentum of City Center and the Old Town Arts & Design District. This particular project will contribute to the increasing property values of the area and will have an overall positive impact on the City of Carmel.

Members of the public were invited to speak at this time.

Public Remonstrance/Favorable:

Rick Blum, 5266 Faye Court, Carmel, feels that this proposal is a continuation of the Vision for Carmel and improvements for the community. Gramercy is the next logical step that will add beauty to the already beautiful community, raise property values in the surrounding areas, and provide more amenities to the current residents. The plan is exciting and has a purpose to keep Carmel as a front-running, suburban community for years to come.

Sharon Carter, 918 East Auman Drive, is glad to see the area improved but does have questions regarding construction access and ingress/egress to the site. Ms. Carter's son has asthma and Ms. Carter hopes that the construction access is off 126th Street and not close to her home.

Public Remonstrance/Organized/Unfavorable:

Jim Martin, 730 East Auman Drive, (Auman's Addition) a 39-year resident and former Carmel Fire Department employee, stated that currently Auman Drive is used for walking and from the presentation it looks like there will be access onto Auman Drive that will increase the traffic and Mr. Martin was opposed. If Auman is widened and sidewalks installed, that would be fine, but it looks as if it would be 10-12 feet from his yard. What is the future plan for Auman Drive—will the proposed apartments face Auman Drive or will it be the backside of the buildings? Will there be an

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eight-foot wall? Nothing definitive has been shown for Auman Drive.

John Sullivan, president of the Enclave of Carmel HOA, was unsure whether the HOA was in favor or opposed to the petition. Mr. Sullivan's belief is that this proposal would neither increase nor decrease property values. The main concern is the traffic. There should be no rezone unless there is ingress and egress—both north bound and south bound—from Keystone at the current mid-point of Mohawk Hills. Enclave is the shortcut, and traffic will quadruple through this Subdivision from 126th Street to 131st Street. In addition, there should be a separate route for construction traffic.

The proposed City Center/Performing Arts complex will also add to the traffic and will be a duplication of those amenities in the current proposal.

Henry Winckler, 411 Jenny Lane, north of the proposed development, stated that the magnitude of the proposal is frightening for an essentially residential area. Traffic is a major concern. Also, the Mohawk Apartments represent the last affordable rental housing in the City of Carmel. The golf course represents a quality of life that cannot be ignored and the proposed, “postage-stamp” parks just do not measure up as parks. Gradualism does not diminish the pain—do not approve something now that will cause a lot of pain 8-10 years in the future. Do not use fear as a motivator. Property values will probably not decrease if this proposal does not develop to the extent as shown—this is Carmel—property values increase! We have affordable housing not only rental wise but also in the Auman Addition—we need that housing as it exists.

Pat Truelove, 730 West Auman Drive, stated she did not receive notice and did not know what the meeting was about. Ms. Truelove and some of her neighbors were in attendance—they are concerned about a comment that appeared in the newspaper today that the developer is not worried about the density but the quality. If you don't worry about the density, you can't have the quality. Auman Addition is an old neighborhood and Ms. Truelove has been in residence since 1956. Since 1956, Auman Drive West has been black-topped only twice, there are no sidewalks, the ditches are not engineered correctly, and there is now standing water. The residents of Auman Addition include retired teachers, practicing teachers, City policemen, State policemen, construction workers, arborists, nurses, etc. We cannot afford \$300,000 homes—that is why we live here and we have lived here long enough that we would like to have some action—but not necessarily Gramercy Park. It is a wonderful idea, but where do we go from here? Ms. Truelove agreed that traffic is an issue.

Fiona O'Connor, president of Cool Creek HOA, northeast of 126th & Keystone, agreed that this is a beautiful project for the people who will live there, but it will be bad for the neighborhood. Cool Creek consists of older homes and the residents work very hard to maintain the attractiveness and values of their homes. The entire area is too congested and as a parent, Ms. O'Connor did not want hotels going up across the street from where her children live. Ms. O'Connor was also concerned about the possibility of run-off water and whether or not the retention ponds are adequate.

Rick Elkins, 936 West Auman Drive, was concerned that the developer had completely avoided the “good neighbor” approach with the residents of the Auman Addition. Mohawk has existed since the mid-60's or early 70's with a single access point. Mohawk Apartments contains 564 units on 116 acres of ground. Mr. Elkins was certain that by current standards, fire codes and emergency equipment access, especially being in a tornado zone, that if there needed to be an evacuation of this

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area, could it be done? Suddenly, egress is an issue, even though this property changed hands 4 years ago. Mr. Elkins was not happy with the four access points proposed into the Auman Addition.

One, possibly two would be OK—but at the current time, does this project meet current inspection standards under the State Fire Marshal or FEMA standards?

Stephanie Hufford, 215 Shoshone Drive, stated that presently, Shoshone gets a lot of traffic that cuts through from Range Line Road, to Auman and exits onto 126th Street. In addition to concerns previously expressed, Ms. Hufford was concerned with not only current cut-through traffic but also traffic as a result of the proposed development and how that will impact the Auman Addition and Newark Addition.

General Public Comments/Unfavorable:

Philomena Squier, 1315 Lawrence Road, Cool Creek Subdivision, stated that the proposed project is effectively at her front door. Ms. Squier has seen many changes in Carmel, but because of its citizens and their commitment to this community, Carmel has always been a very desirable, “suburban” area in which to live, raise, and educate their families. Ms. Squier asked that Keystone and Carmel be spared the same fate as Glendale, Castleton, Pendleton, and other over-commercialized areas. Urban living is attractive to many, but Carmel was and is attractive to its citizens precisely because it is not urban and this new development goes a long way to changing that. Not all change is for the better. Ms. Squier felt there was absolutely no necessity for this development—the hotels and restaurants—and that the density is far too high; the impact on the Carmel schools would be quite serious and the quality of the school system would suffer.

Curt Waters, 724 East Auman Drive, suggested that the developer would have a lot more support if they would understand that the East Auman Drive residents need to be brought into a part of the proposed community. If condos are built with nothing but a brick wall between or open with garbage dumpsters and the backs of buildings, there will be remonstrance as the process continues. This could be a good project, it just depends on how the developer incorporates the Auman Addition.

Ann Wilham, 1040 East Auman Drive, stated concern that currently, there are 564 apartments and 2,000 units are planned with 2 or 3 persons in each unit, one to two cars, plus children. The impact on the schools and traffic would be phenomenal. As property values go up, so do our taxes and most of the taxes are paid toward the school system—this will have a tremendous impact on the school system.

Dorothy Karupis, 1201D, Golfview Drive, spoke for a number of tenants who had grievances with the management of Mohawk Hills—the crumbling roads, units that have not been maintained, and the disrepair of the amenities such as the swimming pool and grounds. Ms. Karupis said she had not received any information from Buckingham regarding the meeting this evening and would like to see a copy of the notice. There are a lot of senior citizens in the apartments that feel they have no say and they are afraid of what will happen to them and where they will move. Ms. Karupis asked that there be open dialogue between the current tenants and Buckingham—the current tenants might even be future homeowners in the proposed development!

Kerri McCann, 5117 Puffin Place, said she was alarmed and concerned that the Golf Course is being taken and turned into a “City.” We are taking out greenspace at an alarming rate. Ms. McCann asked that the developer retain the golf course and work around the green space. Ms. McCann also expressed concern about the people who live in Mohawk Hills—would they be able to afford the rent at the proposed project or are we doing economic cleansing?

Rick Manuel, 925 West Auman Drive, said the progress of the development is probably not going to stop, but wanted to ask that the City Council have respect for the residents that have lived here for 20, 30, 50 years and work with the residents.

Rebuttal:

Jim Shinaver made a few general comments. The petitioner understands that this is a gradual process through the Plan Commission and Committee review. Jim Shinaver asked that at least one of the Committee meetings scheduled in the future be devoted to the consideration and discussion of traffic, since that is a recurring theme. Secondly, if appropriate, based on the number of persons interested in the development, Mr. Shinaver asked that the Committee meeting be conducted in the Council Chambers, if available. The traffic engineers can address traffic at one of the Committee meetings. The choice of this particular site relates to the vision that Carmel has expressed for its central core and also the vision and ideas expressed in Urban Design Initiative; the proposed project is based on those themes and ideas. Regarding property taxes—as the Mayor has pointed out on many occasions, Carmel enjoys what is a very reasonable rate of real estate taxes and a part of that has been a long-standing effort to balance the Carmel community with both residential and commercial development in its tax base.

David Leazenby deferred most of his comments to the Committee on March 7th but did want to point out that communication attempted with neighbors and residents will continue—Mr. Leazenby encouraged comments to be directed to their website: gramercylifestyle.com. Buckingham will respond as soon as possible to all comments. Letters have been sent to the residents of Mohawk notifying them of changes that may be happening. However, it is important to note that this is a very long process through the rezone and a long-term development of 8 to 12 years. No apartment buildings are planned to come down for several years as part of the proposal and no leases will be affected. As a part of the site plan, the developer has tried to integrate Gramercy with the surrounding areas and are certainly open to other ideas of how to accomplish this.

Department Comments, Matt Griffin: The Department is recommending that this item be sent to the

Special Studies Committee on March 7, 2006 at 6:00 PM. However, given the magnitude of this project, it might be well to consider additional meetings on this project as a single item agenda.

Dept. Comments Recommend special study committee on March 7th, would suggest special meeting for this particular project.

Leo Dierckman suggested that this particular item be moved to the front of the Agenda for the Committee and that the first hour of review on this item be specific to traffic issues. At that time, we could decide on whether or not to have a special meeting or incorporate into the next Committee

meeting. Leo strongly recommended that the Auman Addition come together to designate a spokes-person so that delivery could be quick and efficient—The Enclave as well. This will probably be in Committee for several months.

Madeleine Torres suggested that the Auman Addition and The Enclave residents meet with Buckingham prior to the Committee meeting on March 7, 2006.

Mark Rattermann commented that this item is a PUD, in effect, a Rezone, and in that case, this Docket will be at Plan Commission for some time. The Plan Commission is an advisory body to the City Council and at the Council level, the residents will have another opportunity for public input. Most likely, it will go to Committee at the City Council level. The process allows open dialogue, negotiations, compromises, suggestions, etc.

Dan Dutcher commented that at the moment, this item is a petition for a rezone and if approved, there would be another round of discussion for the development phase and what it would look like.

Disposition: Docket No. 05120025 Z, Gramercy PUD (Mohawk Hills Redevelopment) was referred to the **Special Studies Committee** for further review on **March 7, 2006** at 6:00 PM in the Council Chambers.

3H. Docket No. 05120026 Z and 05120027 DP/ADLS: Village Green PUD

The applicant seeks to rezone 9.42 acres from R2/Residential to PUD/Planned Unit Development for the purpose of creating 50 townhomes.

The site is located 211 W. Smokey Row Rd.

Filed by Jim Shinaver of Nelson and Frankenberger for Bay Development Co. and Drees Premiere Homes Inc.

Jim Shinaver, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Also in attendance: John Talbott, Drees Homes; Jim Fields and Chris Figaro, Civil Engineers, Weihe Engineering; Steve Fehribach, Traffic Engineer with A & F Engineering.

The petition before the Commission this evening is a request for a rezone of 9.42 acres from R-2/Residential to PUD/Planned Unit Development and DP/ADLS for Village Green PUD. The site is located at 211 West Smokey Row Road—south of and adjacent to Smokey Row Road, and west of and adjacent to the Monon Trail. The proposed development for the site would allow development of 50 townhomes on the site and would be known as Village Green Townhomes. The parcel is also located in close proximity to Old Meridian Street, the Carmel St. Vincent's Hospital facility, and the Pro-Med Office Park.

The main point of ingress and egress will be adjacent to Smokey Row Road. There will also be a second point of access on the southern portion of the site. Only a portion of the real estate is actually being developed. A portion of the western half of the site will remain undeveloped and declared a tree conservation area. The plan shows two ponds on the site, however, they are not necessary for the development of the site and can possibly be removed. The pond in the southeast corner of the site will serve as a primary detention pond for this development.

Adjacent to Smokey Row Road, a multi-use path will be installed and will tie in with the Monon Trail. The entryway treatment will be brick entry wall with signage. The brick walls will include a decorative element. There will also be landscaping along Smokey Row Road and the entryway.

Drees Homes will be the builder for this development and the proposed townhome units will be a family custom-type product that will allow buyers to have input and choices to certain architectural features and floor plan selection. The anticipated price range is \$250,000 and the demographics are primarily young professionals without children and possibly empty-nesters. The rear building elevations were shown as well as a footprint diagram for various bump-outs and points of relief for the rear units of the buildings.

The landscape plan for the site includes base building landscaping for the units themselves. In addition, the western portion of the site will remain as a tree conservation area. There are also tree rows on the eastern portion of the site, adjacent to the Monon Trail and on the southern portion of the site that will be retained.

The lighting plan for this development has been designed so that it complies with Carmel's light spillover requirements. A Traffic Operations Analysis is included, although none was required for a project of this size. The conclusions of the Traffic Analysis indicate that the adjacent roadways will continue to operate at acceptable levels of service.

The parking ratio for this site compares very favorably to other projects from a density/parking ratio standpoint. The proposed density is approximately 5.5 units per acre; the total parking ratio is approximately 4.62 spaces per unit.

Although not required, a neighborhood meeting was conducted with adjacent property owners who received notice for the meeting this evening. The purpose of the meeting was to introduce the developer and the project to the surrounding neighbors. The neighborhood meeting was well attended and productive. The majority of the questions related to the drainage and the traffic, although other issues were discussed. Based on the requirements of local and County Ordinances, the developer is required to design the site in a manner that reduces the rate of site runoff below the rate that may be occurring at present. In regard to traffic, traditionally, townhome developments do not generate the same traffic volume as other types of residential uses. In any event, the petitioner anticipates that these issues will be addressed in greater detail at the Committee level.

Members of the public were invited to speak in favor of this development; no one appeared. Members of the public were invited to speak in opposition, the following appeared:

Organized Public Remonstrance/Unfavorable:

Sumera Khan, 634 First Avenue, NW, representing some of the residents of Breckinridge, was concerned with the amount of traffic generated by this project. The second concern is with the number of condos and townhomes being built in Carmel and asked if anyone had ever done any research to determine need/demand for the townhomes that would flood the market, and decrease property values.

General Public Remonstrance/Unfavorable

Elizabeth J. Casali, 722 Hawthorne Drive, also owner of property located at 646 First Avenue NW, occupied by son Jonathan, stated that she did not receive notification of the meeting this evening. Ms. Casali does not normally travel Carmel roads because traffic is terrible, especially at peak hours 7 to 8 AM and 5 to 7 PM. Ms. Casali works in Noblesville. The high density of the townhomes will be a huge impact on traffic—there will be gridlock—and also will impact the schools. There will be greenspace, but will that be available to the neighbors who live on the other side of the Monon—it is doubtful. Ms. Casali wondered if the new project would be a TIF District and hopeful that it would not be, since it only helps the developers, not the City. The proposed development is also not in keeping with the character of downtown Carmel and surrounding area. Ms. Casali noted that a former City Council member purchased this particular property and sold for development.

Kurt Jenkins, Gracey Lane, stated concern about the removal of trees on the site; this project is not a tree friendly development with high-density housing. There will be a lot traffic generated and currently the road is very narrow and no room for a walking or biking path with cars passing. The rise in the road is a blind rise to the Monon. The proposed project will adversely impact the safety on 136th Street and will make access to the Monon dangerous. Also, by destroying 100 plus year old trees, runoff water will go to an area that already floods.

John Audritch, representing his mother, Rosemary Audritch who lives at 408 West Smokey Row Road and has been a resident since 1949. In 1986, the area was platted for the Truesdale Subdivision. At that time it was stated that that area was a natural flood plain and should be left as is (Little Cool Creek empties into this area.) Since the Plan Commission turned down the Truesdale Subdivision in 1986 because of the flood plain, Mr. Audritch asked that the Commission again consider turning down development in this location.

Don Endres, 13815 North Meridian Street, stated that this section of Smokey Row is his and his neighbors ONLY access to their (10) homes. Mr. Endres was vitally concerned with the amount of traffic that would be generated by this proposal. Currently, Smokey Row is only a two-lane, blacktop road and in the AM peak hours, the traffic is horrendous. There is also quite a difference in elevation between the proposed entrance to the development and the Monon.

Rush Quartz, 510 First Avenue NW stated opposition with rezoning this property and agreed with previous comments made by previous speakers. Mr. Quartz said he and his wife had spent a considerable sum of money having language put in the deed to their home to prevent any kind of development of condos or any other buildings to try to preserve the unique character of their entire neighborhood. Mr. Quartz disagreed with any change in zoning.

Janet Baylock, 411 First Avenue NW, facing 4th Street, felt that the general attitude for building in Carmel is that if the property has a dollar sign in front of it, a tree does not count! If it is property value for a developer's investment, anyone who lives there is somewhat discarded and this does an injustice to programs the City would like to attract in the Arts & Design District. Do you still want it to be Old Town or just plow downtown and put up a new town and make it formulated townhomes? If you want the place to have character, you can't just knock down old structures and put up something that looks like something four blocks down that was just built. You do away with originality in the name of progress. Please consider the people who are currently living in the downtown area—a lot of them are artists and they are concerned that they will be forced out

because Carmel wants to develop new things that make it attractive to people who are artists. Ms. Baylock encouraged the Commission to take a look at the existing situation before deciding that it is not good and consider that developments are not about a vision that is encompassing the people who are already in residence but rather encompassing a dollar vision for people who do not even live in the area.

Patrick Kirby, 220 West Smokey Row Road, adjacent to Traditions on the Monon, stated he moved to the property three years ago because it was a nice, quiet area. Now, it is extremely difficult to get out of his driveway and adding 185 homes, approximately 365 more cars, will make it almost impossible. Smokey Row is a very narrow road and cannot accommodate the increased traffic.

Rebuttal:

Jim Shinaver opted to address issues at the Committee level. Noteworthy at this point is that this development is not associated with a TIF district.

Department Comments, Matt Griffin: The Department is recommending this item be sent to the Special Studies Committee for further review on March 7, 2006 at 6:00 PM.

Dan Dutcher asked that the Parks Board staff review this proposal, since the development is adjacent to the Monon and there could be some encroachment issues. The tree preservation plan does not address those trees along the Monon. Also, what is the length of the path along Smokey Row Road?

Jerry Chomanczuk asked about the preparation of the Traffic Operations Analysis—Jim Shinaver responded that A & F Engineering, traffic engineers had prepared the analysis, an independent company.

Docket No. 05120026 Z and Docket No. 05120027 DP/ADLS, Village Green PUD were referred to the Special Studies Committee for further review on March 7, 2006 at 6:00 PM in the Council Chambers.

Note: At this time, Leo Dierckman exited the meeting and did not return.

4H. Docket No. 06010001 Z: Monon Townes PUD

The applicant seeks to rezone 6.81 acres from R1/Residential to PUD/Planned Unit Development for the purpose of creating 65 townhomes.

The site is located at 1001 Rohrer Road.

Filed by Ann M. Walker for Pulte Homes of Indiana, LLC.

Charlie Frankenberger, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant, Pulte Homes. Also present: Dave Compton and Ann Walker, Pulte Homes.

The subject site consists of 6.81 acres and is located north of US 31 in an area where US 31 jogs to the east, north of 131st Street, between the Monon Trail on the east and Rohrer Road on the west.

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Other landmarks in the area include the Hunters Creek South and Autumn Lakes Subdivision, the Townhomes at Hunters Creek, O'Malia's shopping center, and an electrical sub-station to the north. This in-fill site is currently zoned R-2 and the petitioner is requesting a change in zoning to the PUD classification to permit up-scale townhomes.

The proposed plan is designed with significant landscaping, common areas and tree preservation, particularly along the Monon Trail. The petitioner is proposing a trailhead and rest area for the Monon Trail.

The up-scale townhomes will be of brick exterior, cast stone, stone, hardi-plank, glass and wood soffits. Vinyl siding is not permitted as an exterior building material. The plan establishes a Main Street ambiance with red brick buildings, entry monuments, black fixtures, and formal landscaping. Residents will enjoy a walking path from their neighborhood to the Monon Trail that will in turn provide pedestrian access to both the City Center and Clay Terrace.

In an effort to open communication and explain the proposal, Pulte met with neighbors last week; efforts will continue to meet and talk with the neighbors.

Members of the public were invited to speak in favor of this petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared.

Organized Remonstrance/Unfavorable:

Glen Funkhouser, 13709 Seasons Bend, bordering the proposed development, president of Autumn Lakes Subdivision. Mr. Funkhouser stated concern with the aesthetics of the proposed development and the negative impact on property values due to the townhome development. Mr. Funkhouser's home will be three feet from a proposed townhome with a balcony looking right into his ranch home; there will be absolutely no privacy and no room for a tree buffer. The homeowners of Autumn Lakes have signed two petitions in opposition and submitted them to the Department. The backs of the building are very plain—institutional looking. One petition asks that the property remain as single family zoning; the second petition asks that if approved, townhomes would be limited to two stories and that the proposal be reconfigured to allow a second access point for Autumn Lakes. Also, there was no sign posted on the property indicating a public hearing for this site.

Jim Blanchard, 13707 Autumn Lake Overlook Drive, south of the proposed building number 5—approximately 35 feet from his home by virtue of a 10X10 deck at the rear of the townhome—their backyard is in his front yard. Mr. Blanchard stated that with this proposal, his property will have absolutely no privacy in the front, sides, or the rear. The proposal would have a huge, negative impact on his property value.

Individual Public Remonstrance/Unfavorable:

Patrick Rondo, 13708 Autumn Lake Overlake, represented a sub-group at Autumn Lakes that are concerned about safety. Currently there is one entrance into Autumn Lakes, although originally it was designed to have two. A key issue is that traffic is very, very dangerous and school bus pick-up for the children is at the entrance to Autumn Lakes. Pulte's plan does not allow for a street to go through Autumn Lakes into an adjoining subdivision. Mr. Rondo also stated concern with

Police/Fire/Emergency access to the subdivision. If this plan were approved, the drainage would also need to be resolved.

Rollen Bartolli, president for Hunters Creek South HOA, representing 124 homeowners, stated concern with existing traffic on Rohrer Road and the proposed townhomes. Traffic is a major concern for the area. Also, 65 three-story townhomes are too high for the area and will increase traffic by 120 cars onto Rohrer Road at peak hours.

Dave Lamdon, 617 Lockerbie Place, townhomes at Hunters Creek, past president of Hunters Creek South Assoc. Mr. Lamdon stated concern with the size of the proposed townhomes and increased traffic into the area. Mr. Lamdon suggested a buffer.

Rebuttal:

Charlie Frankenberger. Most all issues will be taken up at the Committee level. The parcel is 7 acres, adjacent to the US 31 corridor and under the Comprehensive Plan is reserved for high intensity office uses and supporting retail or commercial behind the frontage parcels. The Comp Plan also refers to the edge areas as being in higher intensity residential such as this proposal as an appropriate use. It is believed that this is an area that will be subject to some change as time goes in, since it is within and adjacent to US 31 corridor. Regarding traffic, there are only 65 townhomes and the impact on traffic will be diminimus. Even though not required, a traffic analysis was done that shows the level of service for all movements at the entrance, the most affected area, will operate at an A or B level. Office use has been considered for this parcel, but in deference to the neighbors, that was discarded and townhomes proposed.

Department Comments, Matt Griffin: Due to the size of the Agenda for Special Studies Committee, the Department is recommending this item be forwarded to the Subdivision Committee on March 7, 2006 at 6:00 PM for further review.

Dan Dutcher asked the petitioner to confirm with the Department the length of the trail.

Jerry Chomanczuk had comments concerning the closeness of the townhomes to the adjoining residential—What kind of major buffer could be established? Jerry asked that Pulte Homes look at buffering to see if there are ways this project can be re-designed or shifted to make it more amenable

Docket No. 06010001 Z: Monon Townes PUD was referred to the Subdivision Committee for further review on March 7, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

5H. Docket No. 06010002 Z: Old Meridian Place Rezone

The applicant seeks to rezone 3.084 acres from Old Meridian Single Family Attached (OM/SFA) to Old Meridian Mixed Use (OM/MU) for the purpose of creating mixed use structures along Old Meridian Street. This project is in conjunction with the proposed Old Meridian Place development.

The site is located at 12852 Old Meridian Street and is zoned OM/SFA.

Filed by Lawrence Kemper of Nelson and Frankenberger for Centex Homes.

Jim Shinaver, attorney with Nelson & Frankenger appeared before the Commission representing the applicant. Also present: Jon Isaacs, Centex Homes.

Centex Homes is seeking a rezone of a parcel that is approximately 4.2 acres in size, located at the southwest intersection of Main Street and Old Meridian Street. This parcel is actually part of a larger development that will be known as Old Meridian Place, consisting of 23 acres. This particular site was presented to the Plan Commission on December 20, 2005 as part of an ADLS Development Plan request. The Old Meridian Place project actually had three separate zoning classifications for the various areas. These classifications included an Old Meridian/Mixed Use designation; an Old Meridian/Single Family Attached designation; and Old Meridian/Special Use designation.

Centex desires to develop the overall site for a mix of uses, including townhomes, condominiums, apartments over retail, and two-story buildings with offices over retail. After the December 20, 2005 meeting and in working with DOCS, the petitioner determined that the 4.2 acre parcel being discussed this evening actually required a rezone to permit some of the proposed, mixed-use buildings. The plans were presented at the December 20, 2005 meeting that included the building located on the 4.2-acre parcel. However, as an administrative matter, since the parcel requires a rezone, and detail information was not previously presented, it is being presented this evening.

At the time of review by the Special Studies Committee on March 7th, the discussion will continue regarding the site, ADLS, and development plan request. Again, as an administrative matter, the petitioner wanted to make sure that the rezone would catch up with the ADLS/DP review of the project.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; no one appeared and the public hearing was closed.

Docket No. 06010002 Z: Old Meridian Place Rezone was referred to Special Studies Committee for further review on March 7, 2006 at 6:00 PM.

6H. Docket No. 06010003 Z: Guerrero Property PUD

The applicant seeks to rezone 38.8 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing attached single-family residences and townhomes.

The site is located at the northwest corner of Towne Road and 131st Street.

Filed by Charles Frankenger of Nelson and Frankenger for Indiana Land Development Co.

TABLED to March

7H. Docket No. 06010005 Z: Shelborne Property PUD

The applicant seeks to rezone 20 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing single-family residences.

The site is located on the west side of Shelborne Road, north of 121st Street.

Filed by Charles Frankenger of Nelson and Frankenger for Indiana Land

Development Co.

Charlie Frankenberger, attorney, Nelson & Frankenberger appeared before the Commission representing the applicant. Also present: Paul Shoopman, Indiana Land Development Co.

The subject 20 acres is a rectangular parcel located just north of 121st Street and on the west side of Shelborne Road; to the immediate west is the Creekside School. The real estate is currently zoned S-1 with a permitted density that is less than is being requested; there are no architectural standards under the S-1 zoning classification and the minimum house size is 1,000 square feet for a single story residence and 800 square feet for the main level of a two-story residence. What is being proposed this evening exceeds the S-1 requirements both in terms of size and architecture.

Indiana Land Development has filed a request to change the zoning of the real estate to a PUD/Planned unit Development District. The proposed plat contains internal streets and common areas; approximately 18% of the community will be preserved as open space. A neighborhood park at the entrance greets residence and allows for a large tree preservation area—additional tree preservation areas are located to the south, adjacent to the approved Kendall Woods Subdivision. The proposed residences will be custom built and exceed the S-1 requirements as mentioned. The anticipated price range is from \$490,000 to \$690,000 with an expected average of \$590,000.

In an effort to open communication and explain the proposal, Indiana Land Development, through Paul Shoopman, arranged a neighborhood meeting that has already occurred. The petitioner will continue dialogue with the neighbors.

Members of the public were invited to speak in favor of the petition; the following appeared:

Public Remonstrance/Favorable:

Tom Jones, lives on one-half of this property and has planted the majority of the trees on site. Mr. Jones was in favor of the proposed, quality development and thought it would increase property values.

Public Remonstrance/Unfavorable/Individual:

Marilyn Anderson, 3884 Shelborne Court, stated opposition but said it was not about opposing growth but rather what kind of growth residents are willing to live with. Ms. Anderson liked the open space along Shelborne Road and the tree preserve but was interested in what density would have been permitted under the old ROSO guidelines. Ms. Anderson did not see the justification for doubling the density and saw potential problems with the proposal. Residents in this area purchased because they liked the low density and the zoning to continue the low density. This property abuts a ROSO development to the south, acreage by one land owner to the west, and undeveloped land to the north. This is an area where a rezone would exert pressure on undeveloped land next to it—like falling dominos. This proposal does not comply with the existing Comprehensive Plan, it is predictable events resulting by not complying with the Comp Plan, it is driven by commercial pressures, not a zoning plan, and not support of the area residents. Marilyn asked that the Commission do planning, not reactionary zoning and then force changes in the Comp Plan.

Dee Fox, 11389 Royal Court, has heard a lot of recurring themes this evening—rezone S-1 to a PUD so that higher density can be achieved. There does not seem to be any real good reason why all of this land should be rezoned to higher density. The development would also have an impact on the schools.

Jeff Kimball, 3940 West 121st Street, noted two issues: No stub streets are provided into his property that runs the entire western border of the proposed development, eastern border of his property; and there is a deep concern that the rezone proposal would harm the value of his property.

Rebuttal:

Charlie Frankenger said there has been a lot of discussion about the Comprehensive Plan that is currently in the process of being up-dated—this will be addressed at the Committee level. It was Charlie's understanding that recently, the S-1 classification reduced the base density from 1.3 units per acre to 1.0 units per acre in order to encourage higher levels of housing in western Clay Township and more creative designs. If Mr. Shoopman were concerned about residences being constructed adjacent to the school, homes would not be proposed for construction ranging from \$480,000 to \$680,000.

Department Comments, Matt Griffin. The Department is recommending this item be forwarded to the Subdivision Committee on March 7, 2006 for further review.

Mark Rattermann followed up on Charlie Frankenger's comments—most of this area was zoned 1.3 and Mark sponsored the Ordinance to lower the density to 1.0 specifically to do exactly what Charlie is saying—to get more Planned Unit Developments. This was part of the ROSO before that allowed 1.6 and 1.7 and 1.8 units per acre. The goal specifically was to get this kind of control around the development. Mark hoped that people would not continue to misread this zoning as 1.0 because, in fact, that was to get control so that more detail could be seen. Under the old Ordinance, a developer could get 1.7 units per acre and the Commission/Council had nothing to say about how it was laid out—it either complied or it didn't. Now we have lots of control.

Madeleine Torres did not see any creativity of design in this proposal in the open space or layout of the homes, etc. The proposal seems to maximize efficiency. There is no creativity with the open space or the layout of the homes.

Dan Dutcher did not see the trail shown on the design. Dan asked if the new design standards could be submitted and commented upon. Dan also asked about the landscape requirements on this proposal—the landscaping requirements as they relate to each individual lot within the development needs to be clearly identified.

Jerry Chomanczuk noted that information packets should be labeled with a Docket Number and name of the development for easier identification.

Docket No. 06010005 Z, Shelborne Property PUD was referred to the Subdivision Committee for further review on March 7, 2006 at 6:00 PM.

8H. Docket No. 06010009 Z: Crook PUD

The applicant seeks to rezone 20 acres from S1/Residential to PUD for the purpose of platting 40 single family homes on 20 acres.

The site is located at 2238 W. 136th Street and is zoned S1/Residential.

Filed by Charlie Frankenberger of Nelson and Frankenberger for Indiana Land Development.

Charlie Frankenberger, attorney with Nelson & Frankenberger appeared before the Commission representing the applicant. Also present: Paul Shoopman, Indiana Land Development, and landowner Ann Crook.

The subject parcel is located on the east side of Towne Road, and bordered on the south by 136th Street; to the immediate north is Westwood Estates, a residential subdivision developed by Justus Homes. The real estate is currently zoned S-1 and the petitioner is requesting a rezone to a PUD/Planned Unit Development district. A rendering of the plat was displayed on the overhead showing lots, streets, and common areas. In addition to the tree conservation park to the north, open space is located on the southern boundary of the site; approximately 15.4% of the community will be preserved as open space. The main entry is flanked on either side by a retention pond and landscape buffers, thereby establishing a grand entrance to the neighborhood. The anticipated price range is from \$380,000 to \$580,000.

In an effort to open communication and explain this proposal, Indiana Land Development arranged a neighborhood meeting that has already occurred. As a result of that meeting and subsequent discussions, an agreement has been entered into with some of the residents of Westwood Estates to provide buffering.

Members of the public were invited to speak in favor of the petition; the following appeared:

Public Remonstrance/General/Favorable:

Terry Hopp, 2300 West 136th Street, 5 acres at the northeast corner of 136th and Towne Road, adjacent to the Crooks, spoke in favor of the PUD, not because of his 5 acres, but because it would give the Commission more control over the property and what is done with it as opposed to an S-1 standard zoning. The Comprehensive Plan is understood as a guideline—regardless of any future Comp Plan, any parcel of property could be rezoned in any fashion. There is no reason to oppose the PUD zoning. Mr. Hopp offered a challenge that on his 5 acres would be built a 60X60 block building with 10 foot interior ceilings—approximately 5 levels at 70 to 80 feet tall—this would meet the S-1 classification—5 units, one on each level. Please consider the PUD application but do take it to the level of architectural style. Whatever Mr. Shoopman is proposing should be something that meets and complements the neighborhood, not just something that adds density.

Note: There was only one neighborhood meeting, not several, and the neighbors are not in continual dialogue. Also, in the one meeting Mr. Hopp attended, the actual value was higher than \$380,000 to \$580,000 indicated in the presentation and if that would be the case, Mr. Hopp would not recommend the PUD because of the price point/level of quality.

Public Remonstrance/General Public/Unfavorable

Jack Barth, 2087 Renegade Court, (Westwood Estates) was concerned with the buffer area, especially lot 38 that is open space in the back—currently a horse pasture. Currently, homes in the

area are constructed of brick and upwards to \$500,000 and more. The neighbors are concerned with the quality of homes. Mr. Barth asked that a comment letter regarding the buffer be made a part of the record. Also important is the impact on property values.

Marilyn Anderson, 3884 Shelborne Court, stated that density is still an issue—the idea that a PUD would give more control and never mind density—the public was not aware of that.

David Martin, real estate broker with F C Tucker, said he and his wife are building in Westwood Estates and will be in the property adjacent to the proposed development. Mr. Martin had done some research and reported on home sales, lot sizes and sale prices of homes in the last 14 months. Also of concern: quality of the homes and the high density. The area residents would support the density and quality of those homes represented in Westwood Estates.

Tony Panafe, 2030 West 136th Street, compared this proposal with other subdivisions in the area. Mr. Panafe asked that the neighboring subdivisions be considered when looking at the current proposal. The prices correspond more to the Village of WestClay but not the lot sizes. Mr. Panafe would like to see larger homesites and more greenspace. On a positive note, Mr. Panafe said the Crooks have been good neighbors.

Dee Fox, 11389 Royal Court, said that in looking at all the proposals coming forward, they seem to start looking alike. Ms. Fox has heard people complain that subdivisions are boring, they all look alike, etc., but Ms. Fox thought the PUD's all look alike too—they are as dense as they can get with as little recreation area as they can get by with and most of that is retention ponds. Ms. Fox did not see anything that draws her as unusual to one of these proposals that would make it worth rezoning. Higher density does not ensure higher quality no more than lower density means no quality. Ms. Fox stated concern about all the homes being built in this price range. Even though the subdivisions are denser, the prices are not realistic—"Who can afford to live there?" is what I am hearing. The PUD's are not necessarily an improvement and they certainly impact everyone around us.

Rebuttal:

Charlie Frankenberger said that most comments would be addressed at the Committee level. However, regarding the neighborhood meetings, there was a meeting at the Zionsville Presbyterian Church followed by a meeting between Mr. Shoopman and the residents of Westwood Estates, during which the buffer agreement discussed earlier and submitted to the Department for record was agreed upon. There was an indication for a third neighborhood meeting and it did occur.

Department Comments, Matt Griffin: The Department is recommending this item be forwarded to the Subdivision Committee on March 7, 2006.

Dan Dutcher expressed concern with the design standards and landscaping requirements and how those are incorporated into the PUD—also the trail piece along 136th Street.

Rick Ripma asked what the sizes of the lots are in Westwood Estates; this information can be brought to Subdivision Committee. Rick also asked for a site plan that gives sizes of lots so that the Committee can see how the lots lay out.

Jerry Chomanczuk commented that he had done some quick calculations—possibly 1,400 families are being covered by the projects presented this evening. Both the Subdivision and Special Studies Committees must look at these projects and make sure that the City of Carmel can digest this.

Docket No. 06010009 Z: Crook PUD was forwarded to the Subdivision Committee for further review on March 7, 2006 at 6:00 PM in the Caucus Rooms of City Hall.

9H. Docket No. 06010007 DP/ADLS: Gateway Pavilion

The applicant seeks Development Plan, Architectural Design, Lighting, and Signage approval for 6.98 acres, for the purpose of creating a gasoline service station related to a proposed retail development. The request is an amendment of an earlier submittal.

The site is located at 11000 North Michigan Road and is zoned B3/Business.

Filed by Joseph Calderon of Bose McKinney & Evans for Heritage RDG, LLC.

Joe Calderon, attorney with Bose McKinney & Evans appeared before the Commission representing the applicant. This particular site is a different animal from the Plan Commission's perspective. The parcel being dealt with actually straddles the Boone/Hamilton County line; a little less than 7 acres is within the jurisdiction of Carmel. The property is located north on Michigan Road, just north of the existing Pearson Ford.

The site plan incorporates the proposed development from an entire project standpoint. The ADLS submission basically relates to support for a project that is under the jurisdiction of the Town of Zionsville. Currently, the petitioner is working through the site plan approval process with the Town of Zionsville.

The zoning for this site is B-3/Business, the Zionsville portion of the site is B-2, and the proposal is a permitted use. ADLS approval only is being requested in regard to that portion of the site that relates to the entry into the project and features the required buffer and landscaping on the Michigan Road side as well as support parking for the project.

In working with Zionsville, the petitioner has been asked to create a "quasi-frontage" road that runs north/south and provides connectivity to the undeveloped parcel to the north as well as the Pearson Ford piece that may be redeveloped in the future.

The building will have more detail and quality in terms of finish than any previously approved building on Michigan Road. The building is a four-sided finish and has all the requisites; the materials used are masonry and EFIS. From a design standpoint, the quality of development that the buffer area front is supporting is of high quality.

The original submission featured a fuel station—that has now been eliminated. There are a few more details such as sign illumination, etc. and those will be dealt with at Committee. Detailed landscaping plans were submitted to the Urban Forester and feedback should be provided prior to Committee.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Public Remonstrance/General, Unfavorable

Sue Massey, 1300 Hufford Lan, Carmel. Ms. Massey said she has a number of friends in Zionsville and they are adamantly opposed to the Wal-Mart store being constructed in this area and requested this project be put “on hold” until Zionsville finishes its deliberations and completes its review.

Rebuttal:

Joe Calderon commented that the petitioner would have Technical Advisory review on February 28, 2006 and before the Plan Commission in Zionsville on March 20. The process for Carmel would be Committee on March 7 and then back to full Commission on March 21 and the timing should work out appropriately.

Mr. Calderon said that the petitioner is happy to share with Carmel whatever has been provided to Zionsville, including the Traffic Study and traffic signal at 111th Street, and the level of service.

Department Comments, Matt Griffin: The Department recommends forwarding to Special Studies Committee on March 7, 2006 for further review.

Discussion ensued as to the timing of the review and whether or not the Carmel portion could be held up until Zionsville had completed its review. Essentially, Carmel is looking at a parking lot ADLS review.

Docket No. 06010007 DP/ADLS: Gateway Pavilion was referred to Special Studies Committee on March 7, 2006 at 6:00 PM in the Council Chambers at City Hall.

10H. Docket No. 06010008 Z: Midtown Village PUD

The applicant seeks to rezone 18.82 acres from I1/Industrial to PUD for the purpose of creating mixed-use development.

The site is located at 510 Third Avenue SW and is zoned I1/Industrial.

Filed by Lawrence Kemper of Nelson and Frankenberger for Centex Homes.

Jim Shinaver and Larry Kemper, attorneys with Nelson & Frankenberger appeared before the Commission representing Centex Homes. Also present: Jon Isaacs, Centex Homes.

This particular request is for a change in zoning classification. The real estate consists of 18.9 acres located south of and adjacent to Industrial Drive, west of and adjacent to the Monon Trail, north of City Center Drive, and bisected by Third Avenue SW in such a way that a portion of the real estate is east of and adjacent to Third Avenue SW; the other portion is west of and adjacent to Third Avenue SW.

The real estate is currently zoned I-1/Industrial—the surrounding uses include the Mohawk Place Center to the southeast, the SBC building to the north, Parkside Village/CP Morgan residential project to the west, and the City Center project located to the south.

Centex is proposing to change the zoning classification from an I-1 Industrial designation to a PUD/Planned Unit Development designation that would permit a mix of uses, including townhome and luxury townhome units, condominiums, and apartments over retail space.

The conceptual site plan shows the division of the real estate into three sub-districts that will include the variety of uses previously described. At this time, the petitioner is seeking a zoning classification change only—not DP/ADLS approval. If the rezone were approved by the City Council, the petitioner would have to appear before the Plan Commission again for subsequent DP/ADLS approval on each section or area.

Jon Isaacs, Centex Homes addressed the Commission and gave a short history of the project from inception to the proposal before the Commission this evening. The Woods Wire property is currently under contract—part of their property is a vacant field. Also in the immediate area is the Parkside Village residential project, the Monon Trail on the eastern end of the property, City Center Drive, and the new Carmel Performing Arts Center. This site is a good opportunity for a mixed-use development, connecting Old Town and the Arts District to the City Center, and the working class professionals/executives/active adult buyers into the City Center, create an Urbanism community that is walkable and connected to adjacent neighborhoods, seek the Monon Trail opportunity as enhancement, and follow the guidelines of Carmel Urban Design Initiative.

The Maco Press Building is not included in the overall site. Jon Isaacs said Centex pursued them, but the printing press makes it almost impossible for them to re-locate. The Midtown Village would be designed around the Maco Press Building. Also, just to the north of the site, also under contract, is the City Water Tower and Cellular Tower, both of those will probably stay as a part of the future development. The property to the south is the entrance into Midtown Village from City Center Drive. Centex has actively been pursuing properties and will continue to do so. Centex was encouraged to look beyond the boundaries of what is currently under contract. Parcel A-1 would consist of townhomes, adjacent to Parkside Village. Along Third Avenue would be a mid-rise building of three stories behind a one story retail section along Third Avenue. The first floor is a parking garage, with four stories of living area above. There is also approximately 3,000 square feet of retail or office. The four stories would shield the cell tower and water tower from view. Luxury townhomes are being developed as a new product along the Monon.

Members of the public were invited to speak in favor of the petitioner; the following appeared:

Public Remonstrance/Favorable:

Julie Deering, 425 Emerson, also owner of 475 Emerson, had lots of questions. Is SBC holding on to its property? Is Industrial Parkway going to become part of this eventually and will Industrial Parkway be rezoned? Traffic is a major concern. How will the new development accommodate the traffic? Are the elevators coming down with this project and if so, will it be hazardous to do? Environmentally, will that be a problem? Please, please, save the trees!

Mary Sajack, 437 Emerson Road, was concerned with privacy, since her home is next door to the SBC parking lot. How close would this development be to her property? Ms. Sajack was also concerned about privacy and saving the trees.

Daniela Simoes, 330 Second Street, SW. Will there be enough school space for all of the townhouses? During construction, will any trees be saved? What will the development do to drainage—will our properties flood? Also concern with traffic.

Sue Massey, 1300 Hufford Lane, Carmel. Spoke in favor of this development as far as aesthetics. The Masseys are an active, professional couple and looking at options to downsize. The development will improve the area.

Public Remonstrance/Unfavorable

PGeorge Sidensticker, 10819 Jordan Road, Carmel, owner of Maco Press property. Mr. Sidensticker said he was not contacted by the developer but by a realtor who presumably was representing the seller of the Woods Wire property. It is difficult and expensive to move a printing plant; however, Mr. Sidensticker would have no objection to moving and would not want to be next door to what is being proposed. Maco Press has been good residents of Carmel for 40 years. When the building was built, the area was designated light industrial in the Master Plan—things do change. Maco Press should be compensated properly to be able to move a business without losing money. However, there is a problem with ingress/egress for trucks coming onto the site at the docks on the west end of the property. This should be designated right-of-way that has been in existence from Industrial Drive south to Maco Press parking lot since 1965 when the buildings were built. Woods Wire trucks used that ingress/egress and the parking lot for years. Should Maco Press need to stay in this location, Mr. Sidensticker was hopeful that some provision would be made to allow trucks to continue in and out without having to back them in from Third Avenue.

Lisa Dye, Business Owner of 501 Industrial Drive. Ms. Dye and husband Douglas live on Towne Road south of 136th Street. The business is custom cabinet manufacturing; they are concerned with truck access to their location. Would not relish moving at this point. Also, the height of the buildings is a concern. There is also a concern for the property value of the business, once the area is developed. Please consider persons that have lived and worked in this community for 25 years.

Rebuttal:

Jim Shinaver responded that this is a unique area—there are different types of uses that are going on now—residential, industrial, and the central core issues that the City is incorporating into its vision along with the Design Initiative. As Centex looked at this project, worked with their architects and land planners, and received the Ordinances and the vision of Carmel, the petitioner is trying to create a situation whereby appropriate and well-done transitioning of the area can be accomplished.

The scope of the project does not include the SBC Building. The existing woods and retention pond are a part of the CP Morgan subdivision located to the north, Parkside Village. Issues regarding traffic, drainage, and truck access will be discussed at the Committee level. Typically, townhome-type projects do not generate a lot of school children and therefore do not impact the school system.

Department Comments, Matt Griffin: The Department is recommending this item be forwarded to the Special Studies Committee on March 7, 2006.

Carol Schleif asked if any HAZMAT studies had been done, since this is an industrial area.

Jon Isaacs responded that a full, Phase I Environmental on the Woods Wire Property and nothing additional has been required.

Mark Rattermann encouraged Commission members to review Tab 8 in the informational material. Mark was really impressed with the townhomes that are being proposed and asked the other Commission members to compare them with those that have already been approved.

Jerry Chomanczuk was concerned with the height of the buildings—5-story townhomes. Are there any height restrictions in this area and currently, are there any 5-story townhomes?

Matt Griffin responded that any zone has a height restriction; the petitioner is going for a PUD that would alter those restrictions. The Department could do a comparative analysis of all business zones and height restrictions. At present, there are no 5-story townhomes. The current maximum height restriction for this zone is six (6) feet.

Jerry Chomanczuk asked that the petitioner meet with the remonstrators and resolve some of their questions and issues prior to the Committee meeting.

Docket No. 06010008 Z: Midtown Village PUD was referred to Special Studies Committee for further review on March 7, 2006 at 6:00 PM.

Following a short recess, the meeting resumed with the business at hand.

11H. Docket No. 06020005 OA: Michigan Rd Overlay/Use Table Amendment

The applicant seeks to amend the Zoning Ordinance in order to amend the development standards in Zoning Ordinance Chapter 23C and to amend the Schedule of Uses in Appendix

Filed by the Carmel Department of Community Services.

Adrienne Keeling, Department of Community Services appeared before the Commission representing the petitioner. The proposed amendment to the Michigan Road Overlay and allied Use Table Amendment was severed from the previous “Patch VI” amendment and is being brought before the Commission separately.

The Ordinance Amendment basically has two parts; the first part is Chapter 23C - Amendments to the US 421 Michigan Road Overlay Zone. The proposed amendment will limit retail uses to 75% of the gross floor area of projects within the B-3 District located north of 106th Street to allow residential uses up to 50% of the project’s gross floor area in the entire overlay; require each lot to contain a building with a minimum of 2,500 square feet of gross floor area; and also establish a maximum gross floor area of 85,000 square feet in the Overlay area north of 106th Street. The purpose of these amendments is to provide for a transition area to the north end of the Overlay District.

Appendix A (Exhibit A of the Ordinance) has a number of changes that are mostly housekeeping-type changes. The first change appears on page two (2) of the Use Table and page three (3). There are several uses, including surgery center, urgent care, rehabilitation facility, physical and occupational therapy, café, delicatessen, and coffee shop—those uses are proposed for removal from Use Table A. Those uses are only seemingly allowed in the Old Meridian/Mixed Medical District of the Ordinance and those uses can be classified in other areas of the Ordinance, including general retail, general service, and clinic or medical health center category. The reason these were left was inadvertence—the adoption of the Mixed Medical District of the Old Meridian was being presented the same time as the previous reorganization of the Use Table.

The intent was not to prohibit surgery centers, medical facilities, café and coffee shops; they are better to be classified and included with general service/general retail and clinic or medical health centers of the Appendix.

The second amendment being proposed is on page three (3) of the Use Table and includes adding general retail as a permitted use in the B-5 District and along with that, allowing general service in the B-5 and the Old Meridian Mixed Medical District for reasons mentioned above.

There are two reasons for the B-5 addition: The Department is in front of the Urban Design Initiative proposing and encourage mixing uses, and there are some uses that are already existing in the B-5 areas. Example: B-7 is primarily located along Range Line Road south of City Center Drive—the Penn Station Restaurant and Dominos are examples of general retail. Also, north on Range Line Road there is general retail and general service in the Old Town area in some of the homes along North Range Line Road. Those are being proposed to remain.

Also included in the proposal is allowing restaurants without drive-through facilities to the B-7 and M-3 District—also to encourage a mix of uses and to accommodate the existing uses.

The final amendment being proposed has to do with commercial parking lots and private parking areas. The commercial parking lots are proposed for removal category from miscellaneous and move it to page 6 under Transportation and Communication Uses of the Appendix. The permitted use district stays the same for commercial parking lots—it is just a matter of moving that category. A private parking area use would be added and listed as all accessory uses from R-3 to the Old Meridian District.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

Public Remonstrance/Unfavorable

Joe Scimia, attorney with Baker & Daniels, 600 East 96th Street said he is very troubled with “transitioning to the north” that is not consistent with land uses. Mr. Scimia would like clarification on what is trying to be accomplished with this amendment.

Department Comments, Matt Griffin: Nothing additional at this time.

Docket No. 06020005 OA: Michigan Road Overlay/Use Table Amendment was referred to the Subdivision Committee for further review on March 7, 2006 at 6:00 PM

I. Old Business

11. Docket No. 05080023 ADLS Amend: Two Parkwood - Firestone Signage

The applicant seeks approval for a new wall sign.

The site is located at 310 E 96th St. is zoned B-6.

Filed by Steve Granner for Bose McKinney & Evans LLP.

Steve Granner, Zoning Consultant with Bose McKinney & Evans, 600 East 96th Street, Suite 500 appeared before the Commission representing the applicant. The petitioner is requesting approval of a sign on Parkwood Two Office Building. The Firestone Sign will be located on Parkwood Two building on the east façade. The Sign Ordinance would require signage to be placed on the south façade of the building; however, Duke has had a “Gentlemen’s Agreement” that best efforts would be made not to have signage on the south façade of the building.

The petitioner appeared before the Board of Zoning Appeals to allow the signage on the east façade of the building and the BZA granted that petition. This particular building in Parkwood has never had a wall sign on it. BFS Diversified Products LLC, a division of six Firestone companies, occupies the entire building and has also moved into some space in the Parkwood One to the west—over 100,000 square feet of space.

Through this process, the petitioner met with the Land Use Committee of the Nora Northside Community Council in Marion County twice. The January Board took a position of no objection and their letter is included in the information packet. The petitioner did agree with conditions made by the Nora Northside Community Council that the lighted portion of the sign would be put on a timer—it would be turned off between the hours of 11:00 PM and 6:00 AM.

The proposed sign is in compliance with the requirements of the Ordinance and the petitioner is asking for approval at this time with the limiting of the hours of lighting as indicated

Department Comments, Matt Griffin: This item was reviewed at Special Studies Committee on February 7 and was a “no action” vote—there was no majority to approve or disapprove, so it is being returned to the full Commission for a final vote. The major issue discussed at Committee was the hours of illumination of the sign. The Department is recommending approval after all comments and concerns have been addressed.

Committee Report, Mark Rattermann. The Committee voted 2-2—a no decision vote. This item was sent to the full Commission for a final decision.

Madeleine Torres reported that part of the Committee felt that the petitioner was within the Ordinance and there was a question from the neighborhood as far as lighting and the hours of illumination—part of the Committee felt that the sign would not encumber their lifestyle with the lighting, and they are allowed a sign.

Jerry Chomanczuk noted that there were a number of letters and emails received on this subject. Jerry said he took a drive to the site and that the orientation of the sign is to the east, away from the neighborhood and towards other office buildings. All along Parkwood East there are 30-40 foot fir trees along 96th Street that prevents visibility of the façade of the building. The fir trees do provide a screen, however the impact of lighting is not fully known. The side of the sign is visible from Washington Boulevard, but again, that is through 30-40 foot fir trees.

Sue Westermeier commented that based on the number of letters received and the homeowners present at the Committee meeting, there was definitely a concern. The homeowners were apparently told that signage would not be illuminated. It was discussed at Committee to limit the hours of illumination to 8:00 in the evening rather than 11:00 PM, however, Firestone was not agreeable.

Steve Granner responded that he had gone through commitments made on the property from the original zoning on the site and subsequent approvals—it has never been said that signage would not be illuminated. The one thing that has been said is that the Firestone sign would be turned off between 11:00 PM and 6:00 AM. Sign illumination was never a part of any previous ADLS approval or any commitments on the site.

Jerry Chomanczuk noted that while there may have been some verbal discussion in prior years, there is no written commitment that indicates that a sign would not be installed on this building or that a sign would not be illuminated.

Madeleine Torres made formal motion to approve **Docket No. 050800213 ADLS Amend: Two Parkwood – Firestone Signage, with the hours of illumination as previously stated, (6:00 AM to 11:00 PM)** seconded by Dan Dutcher, **APPROVED** 7 in favor, 3 opposed (Rattermann, Stromquist, Westermeier.)

2I Docket No. 05050003 Z: Fortune Rezone

The applicant seeks to rezone 43.6 acres from S1 to PUD for the purpose of developing a site with single family homes, townhomes, and limited commercial uses. The site is located at 2555 W 131st Street and is zoned S1.

Filed by Charlie Frankenberger

TABLED to March 21, 2006

3I. Docket No. 05120012 DP/ADLS: Arden Townhomes

The applicant seeks approval for a 90-unit townhome development on 12.7 acres.

The site is located at 1940 E 136th St. and is zoned PUD/Planned Unit Development.

Filed by Jim Shinaver of Nelson & Frankenberger for Buckingham Properties, Inc.

Jim Shinaver, Nelson & Frankenberger appeared before the Commission representing the applicant. Also present: David Leazenby and Sara Nasuti with Buckingham Properties; Rich Kelly, Civil Engineer with EMH&T.

The petitioner is seeking Development Plan and ADLS approval for Arden Townhomes, a residential development located at 1940 East 136th Street. The revised site plan was shown to the

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Commission members. All comments and concerns raised at the February 7th Committee meeting have been addressed.

The petitioner has agreed to the following changes to the Arden Townhomes project:

1) The petitioner will install one window on the garage portion of the first floor elevations of the two units facing Smokey Row Road; 2) The land banking of three parking spaces to balance the central green space; 3) Addition of a cascading decorative rock feature between the two ponds near Smokey Row Road; 4) An additional pedestrian connection at the midpoint of the project to the 12-foot path, as well as connectivity improvements within the site.

Department Comments, Matt Griffin: The Department is recommending approval of the DP/ADLS as forwarded by the Special Studies Committee with the changes outline in the Department Report.

Committee Report: The Committee voted unanimously 4-0 to approve this development.

Mark Rattermann made formal motion to approve **Docket No. 05120012 DP/ADLS, Arden Townhomes with conditions as stated** above, seconded by Rick Ripma, **APPROVED** 10-0.

- 4I. Docket No. 06010004 Z: Carmel Drive – Range Line Road Overlay Expansion**
The applicant seeks to rezone 30 parcels from R1/Residence, B1/Business, B2/Business, B3/Business and I1/Industrial to R1/Residence within the Carmel Drive – Range Line Rd Overlay, B1/Business within the Carmel Drive – Range Line Rd Overlay, B2/Business within the Carmel Drive – Range Line Rd Overlay, B3/Business within the Carmel Drive – Range Line Rd Overlay and I1/Industrial within the Carmel Drive – Range Line Rd Overlay in order to expand the boundaries of the Carmel Drive – Range Line Rd Overlay Zone.
The area is located along Range Line Road from 136th Street to US 31.
Filed by the City of Carmel Department of Community Services.

Adrienne Keeling, Department of Community Service appeared before the Commission representing the applicant. This Docket was reviewed by the Subdivision Committee on February 7th and returned to the Commission with a unanimous, positive recommendation.

Department Report, Matt Griffin: The Department is recommending a positive recommendation to the City Council.

Committee Report, Rick Ripma. The reality is that with Clay Terrace in being, that is now a “gateway” into Carmel, this petition made sense to expand the Range Line Road Overlay. The Committee voted 4-0 for approval.

Rick Ripma made formal motion to **forward Docket No. 06010004 Z: Carmel Drive – Range Line Road Overlay Expansion to the City Council** with a positive recommendation, seconded by Madeleine Torres, Approved 10-0.

- 5I. Docket No. 05090001 OA: Z-485-05, as amended (as amended by City Council)**

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Parking Ordinance Amendment

The applicant seeks to amend the Zoning Ordinance, *Chapter 27: Additional Parking & Loading Regulations*, in order to modify parking standards.

Filed by the Carmel Department of Community Services.

Adrienne Keeling, Department of Community Services appeared before the Commission representing the applicant. This Docket was amended by the City Council and returned to the Plan Commission.

This Amendment is now a more detailed, re-statement of this section, particularly having to do with curbing and paving requirements within parking lots. The Plan Commission did certify this to the Council, the Council amended the document and returned to the Commission.

Mark Rattermann made formal motion to approve **Docket No. 05090001 OA: Z-485-05 as amended** by the City Council (**Parking Ordinance Amendment**), seconded by Rick Ripma, **APPROVED** 10-0.

There was no further business to come before the Plan Commission and the meeting adjourned at 11:05 PM.

Jerry Chomanczuk, President

Ramona Hancock, Secretary